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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4946 OF 2014

Reshma Bano Abdullah Shaikh
versus
The State of Maharashtra

....Petitioner
....Respondent

Mr. P. D. Purway, advocate for the petitioner.
Mr. J. P. Yagnik, APP for the State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 23rd February, 2015.

P.C.:

Heard Mr. Purway, learned counsel for the petitioner and
Mr. Yagnik, learned APP for the State.

2. The petition is filed for direction to the respondent to register the additional offence under Sections 307 and 494 of the Indian Penal Code, 1860 (for short "the IPC") in C.R.No.413 of 2014. The said C.R. is registered at the instance of the petitioner for the offences punishable under Sections 498(A), 406, 328, 324, 504, 506 read with Section 34 of the IPC.

3. It is the submission of the petitioner that though the allegation discloses commission of offences under Sections 307 and 494 of the IPC, still the offence is not registered under these two sections.

4. Mr. Yagnik, learned APP, having taken instructions from the concerned officer, makes a statement that offence under Section 307 of IPC is added in the said CR. He, however, submits that additional statement of the complainant is required in order to verify whether offence under Section 494 of the IPC is made out. The statement of learned APP is accepted.

5. The petitioner's grievance so far as registration of offence under Section 307 is concerned, the same is redressed in view of the above said statement of learned APP. So far as registration of offence under Section 494 of the IPC is concerned, the petitioner is at liberty to give additional statement. The investigation agency after making inquiry to take an appropriate decision in this regard.

6. Considering the manner in which the earlier investigation was carried, we direct the investigation of the CR No.413 of 2014 shall be carried under the supervision of the Assistant Commissioner of Police, Kalwa Division, Thane.

7. Subject to above, the petition stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)